



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

AMELIA B. YARBROUGH
8613 SAPIENZA DRIVE
FORT WASHINGTON MD 20744

COPY MAILED

APR 03 2006

OFFICE OF PETITIONS

In re Application of :
Egbufoama :
Application No. 10/630,902 :
Filed: July 31, 2003 :
Attorney Docket No. N/A :
For: INCINERATOR FURNACE :
CONDENSERS AND METHODS OF USING :

ON PETITION

This is a decision on the petition, filed January 10, 2006, under 37 CFR 1.137(b) to revive the above-identified application.

The above-identified application became abandoned for failure to timely submit a reply within three (3) months of the mailing of the December 10, 2004 non-final Office action. No response being received and no extensions of time being obtained, this application became abandoned on March 11, 2005. The filing of the instant petition precedes the mailing of A Notice of Abandonment.

Applicant has submitted an amendment in reply to the December 10, 2004 non-final Office action, an acceptable statement of the unintentional nature of the delay in responding to the December 10, 2004 non-final Office action, and the petition fee.¹


The petition is **GRANTED**.

It is noted that the petition is signed by Inventor Egbufoama. However, the address of record is Amelia B. Yarbrough's address and Mr. Egbufoama refers to Ms. Yarbrough as his agent. The Office will not engage in dual correspondence with an applicant and his representative. Mr. Egbufoama is urged to file a power of attorney, as one is not currently in the application file.

¹ The statement of unintentional delay presented in the petition does not comply with the current rule. 37 CFR 1.137(b)(3) requires a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional" be submitted. However, the statement presented will be accepted and construed as meaning that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional." If this is an incorrect interpretation in view of the rules, petitioner is required to provide a statement to that effect.

After the mailing of this decision the application will be forwarded to Technology Center AU 3749 for consideration of the amendment filed on January 10, 2006.

Telephone inquiries should be directed to the undersigned at (571) 272-3230.


E. Shirene Willis
Senior Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy